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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,829	02/18/2004	Mark J. Mayer	134726 135824 GLOZ 2 0016	3764
27885	7590	09/22/2005	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/780,829

Applicant(s)

MAYER ET AL.

Examiner

Lee Y Quach

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8, 10-13 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 8, 10-13, 15-24 and 27-29 is/are allowed.
- 6) ☒ Claim(s) 25, 26 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Response to Arguments***

1. Applicant's arguments with respect to claim 25 filed July 5, 2005 have been fully considered but they are not persuasive. Applicant argues that the opaque portion (14) of Mohacsi et al. is not formed integrally with the light transmissive portion, claim 25 is therefore no longer anticipated by Mohacsi et al. It should be note that the term "integral", Webster's New International Dictionary (Second Edition) defines as "(2) composed of constituent parts making a whole, integrated", and Webster's New World Dictionary (Third College Edition) defines as "(3) made up of parts forming a whole". While the opaque portion and the light transmissive portion of Mohacsi et al. comprise separate parts, they are secured together as a single unit. These constituent parts are so combined as to constitute a unitary whole. Claim 25 is still anticipated by Mohacsi et al. and rejection of claim 25 remains. With regards to claim 26 and upon further consideration, the indicated allowability of this claim is withdrawn in view of Mohacsi et al. Rejection based on the cited reference follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Mohacsi et al. (prior art previously cited).

Mohacsi et al. show a lighting apparatus for homogenous lit appearance along the length of the apparatus comprising an elongated envelope (74) defining a first axis along its length (the axis parallel to an axis along the LEDs) and having a general U shaped configuration in a cross section taken normal to the first axis (figures 1a and 3), the envelope including a light transmissive portion (translucent portion, paragraph 0029, lines 7 to 8) running at least substantially parallel to the first axis, an opaque portion (14) adjacent the light transmissive

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portion and formed integrally with the light transmissive portion, a plurality of LEDs (30) mounted in the envelope aligned with the first axis, a reflector (54) disposed adjacent the LEDs, the reflector shaped and positioned in relation to the LEDs such that light emitted from the LED is directed from the reflector toward the light transmissive portion of the envelope and dispersed along the transmissive portion, and the opaque portion comprising first and second opaque legs (opposite left and right sides of the opaque portion 14) with the light transmissive portion disposed between the opaque legs.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sommers in view of Mohacsi et al. (prior art previously cited).

Sommers discloses an elongated envelope (16) including a light transmissive portion (18), a flexible power cord (14) and an LED (12) attached to the power cord with the exception of having a reflector.

Mohacsi et al. teach a reflector (54) positioned in relation to the light emitting diode such that the light emitted from the light emitting diode is directed from the reflector toward the light transmissive portion of the envelope.

It would have been obvious to one skilled in the art to provide Sommers with a reflector positioned in relation to the light emitting diode, as shown by Mohacsi et al. so that light emitted from the LED is directed from the reflector toward the light transmissive portion of the envelope.

6. Claims 1 to 3, 8, 10 to 13, 15 to 24, and 27 to 29 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2373.

Y. Q.
September 13, 2005



Y Quach Lee
Primary Examiner
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